

## **REMARKS**

In the Official Action mailed on **7 September 2006**, the Examiner reviewed claims 1-4, 6-16, and 18-25. Claims 1-4, 6-16, and 18-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moss et al (*Transactional Memory: Architectural Support for Lock-Free Data Structures*, hereinafter “Moss”), in view of Oplinger et al (*Enhancing Software Reliability with Speculative Threads*, hereinafter “Oplinger”).

### **Rejections under 35 U.S.C. §103(a)**

Independent claims 1, 13, and 25 were rejected as being unpatentable over Moss in view of Oplinger. Applicant respectfully points out that the combined system of Moss and Oplinger teaches **retrying the transactional execution**—possibly with adaptive backoff before retrying, or simply **aborting the transactional execution** (see Moss, section 2.2 and Oplinger, section 1.1, 4<sup>th</sup> paragraph).

In contrast, the present invention limits the number of retries, and when the specified limit is reached, **acquires a lock** to perform the block of instructions (see paragraph [0064] of the instant application). This is beneficial because it guarantees that the block of instructions will eventually be executed. Neither Moss nor Oplinger can make this guarantee because the system of Moss may continually encounter conflicts, and the system of Oplinger simply aborts the transaction. There is nothing within Moss or Oplinger, either separately or in concert, which suggests limiting the number of retries, and when the specified limit is reached, acquiring a lock to perform the block of instructions.

Accordingly, Applicant has amended independent claims 1, 13, and 25 to clarify that the present invention limits the number of retries, and when the specified limit is reached, acquires a lock to perform the block of instructions. These amendments find support in paragraph [0064] of the instant application.

Hence, Applicant respectfully submits that independent claims 1, 13, and 25 as presently amended are in condition for allowance. Applicant also submits that claims 2-4 and 6-12, which depend upon claim 1, and claims 14-16 and 18-24, which depend upon claim 13, are in condition for allowance for reasons of the unique combinations recited in such claims.

## CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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